

IT IS ORDERED as set forth below:



Date: January 6, 2017

Susan D. Barrett

Susan D. Barrett
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
Southern District of Georgia**

In re:
YANCY, CAROL

Case No.: **15-10063-SDB**

Judge: **Susan D. Barrett**

Chapter: **13**

Debtor(s)

**ORDER ON MOTION FOR RELIEF FROM STAY
(Official Local Form B-55 / Revised October 2013)**

MOVANT: **BMW BANK OF NORTH AMERICA**

SUBJECT PROPERTY: **2009 BMW 750i
VIN WBAKA835X9CY33275**

After notice and a hearing the Motion is ordered:

☒ **Granted**

☐ The Trustee will discontinue distribution on the movant's claim and reduce movant's claim to the amount paid if no amended claim is filed within ____ days of this order.

☒ The Trustee shall reduce movant's claim relating to this collateral to the amount paid.

Movant is granted leave to seek allowance of a deficiency claim, if appropriate. *w/in a reasonable time*

☐ Continued to _____ at _____ ☐ am ☐ pm

☐ Continued. The Motion will not be reassigned until a minimum of seven (7) days after Movant files and serves a Request for Assignment of Continued Hearing. That request shall not be filed until discovery is complete, including, if applicable, providing a post-petition payment history to opposing counsel.

☐ Denied.

☐ Denied on the condition that.

☐ The Debtor shall make timely post-petition payments to Movant as required by the Chapter 13 plan.

☐ The Debtor shall tender payments to Movant or take other action as follows:

Post-petition arrearage is _____ through the _____ payment due date, plus attorney's fees of _____ and court costs of _____ for a total arrearage of _____.

☐ Debtor shall pay to Movant the sum of _____ on or before _____ which sum shall be applied to the above-referenced total arrearage.

☐ Debtor shall cure the foregoing arrearage in full by making additional monthly payments to the Movant in the sum of _____ per month beginning _____ and continuing on the _____ day of each successive month thereafter, with a final additional payment of _____ being due on or before _____.

☐ Debtor shall recommence making regular monthly payments to Movant, as same come due under the applicable loan documents, including any insurance premiums which may come due thereunder, (subject to adjustment if provided in the contract) beginning _____, and maintain current monthly payments thereunder for the pendency of this case. All payments must include the last four digits of the account number _____ and shall be sent to the following address, depending on the type of payment:

STRICT COMPLIANCE IS ORDERED as follows:

☐ That in the event the debtor fails to comply with the terms of this order, the movant, through its attorney of record, may file an affidavit establishing the default, served upon the debtor and debtor's attorney. Upon the expiration of fourteen (14) days without the filing of a counter-affidavit by the debtor disputing the fact of default, an order will be entered lifting the automatic stay, converting the case to a Chapter 7 or dismissing the case without further motion, notice or hearing.

☒ If relief is granted under this Order, Movant and Trustee shall thereafter be relieved from complying with Fed. R. Bank, P. 3002.1 in the instant bankruptcy case prospectively from the date the relief is granted.

☐ The strict compliance provision of this Order shall expire on _____.



Other provisions:

Rule 4001 (a)(3) shall be waived

NOTE TO COUNSEL: THE COURT REQUIRES ANY FORM MODIFICATIONS AND/OR NONCONFORMING TERMS TO BE PLACED IN THE "OTHER PROVISIONS" SECTION ABOVE, OR ON A SEPARATE PAGE.

[END OF DOCUMENT]

/s/ Philip L. Rubin

Attorney for Movant

Philip L. Rubin

Name (print)

618525

GA Bar No.:

Attorney for Respondent/Debtor

EVITA PASCHALL

Name (print)

565700

GA Bar No.:

Debtor

Trustee

Name (print)

Cortney R. Elam

GA. Bar No. 143688

Order prepared and submitted by:

Name: Jennifer Hawkins

Phone: 706-860-9995

GA Bar No.: 940498

Email: jhhlaw@knology.net

Address: 1223 George C. Wilson Dr. Augusta, Ga 30909